

ITEM #2**P.C. MEETING: 07/24/03****PUBLIC HEARING**

COMMUNITY: Portions of the First, Second and Third Supervisorial Districts within the Mountain and Desert Regions.

APPLICANT: Land Use Services Department

JCS/INDEX: L612/CW1-849N

PROPOSAL: An Ordinance to amend Title 8 of the San Bernardino County Code relating to regulations of glare, outdoor lighting and night sky protection.

STAFF: Jim Squire

Mr. Jim Squire, Planner, presented the staff report, which is on file with the Land Use Services Department, Advance Planning Division. He discussed the Crest Forest Municipal Advisory Committee's (MAC's) concern with the "Nonconforming Light Fixtures" provision of the Glare, Outdoor Lighting and Night Sky Protection Ordinance.

Mr. Squire stated since the original Ordinance of 2001 was adopted, there have been no complaints on the Ordinance in the Morongo Basin area. He added that enforcement of the Ordinance is complaint driven.

He further discussed portions of the Ordinance. He stated that he received a "Summary of Survey" that was conducted by Lynn Courtney, which showed 91 responses in favor of the Ordinance. Mr. Squire read some of the comments of the survey.

Mr. Squire discussed with the Commission the e-mail received on July 23, 2003, from Mountain Skies Astronomical Society (MSAS) Astronomy Village.

PUBLIC TESTIMONY

- LaVerne Booth, International Dark-Sky Association
- Lynn Courtney
- Jon Hove

Mr. Squire stated he invited Laverne Booth, a member of the Dark-Sky Association, to present a slide presentation of Night Sky.

Commissioner Brown asked Ms. Booth if the urban areas could get the night sky back. Discussion ensued between Commissioner Brown and Ms Booth regarding the night sky in urban areas.

Commissioner Brown commented that more light deters crime. Ms. Booth discussed shielded lights, the reduction of glare, and increased visibility.

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Commissioner Cramer questioned the enforcement/citations of the Ordinance. Mr. Squire commented that there have not been any complaints to date of the Ordinance.

Commissioner Dowling asked if the 2001 Ordinance is the same as the Ordinance being presented. Mr. Squire responded that staff added the wording "light pollution" to the Ordinance, and made adjustments to the definitions.

Ms. Lynn Courtney discussed new construction and lighting. She stated she was in favor of the Night Sky Ordinance.

Mr. Jon Hove stated his only comment was to keep a quality of parity between the private sporting events and the public sporting events. He felt there should be one-hour lights out after private events, as well as the one-hour after the event is over.

Chairman Laning questioned Mr. Hove's concern with the hour restriction on private events. Mr. Squire explained private versus public events.

Ms. Robin Cochran, Deputy County Counsel, stated that clarification might need to be made on private and public events.

Mr. Squire stated he could clarify private and public events amending it through the definitions.

Commissioner Cramer questioned the complaint process in relation to the Ordinance. Mr. Squire explained that Code Enforcement is complaint driven.

There being no one else in the audience to speak on this item, Chairman Laning closed the public testimony.

DISCUSSION:

Commissioner Brown moved to approve the Ordinance as amended with a definition of private versus public. Commissioner Dowling seconded the motion.

Chairman Laning asked County Counsel for clarification of the amended motion.

Ms. Cochran stated that Land Use Services, with the assistance of County Counsel, would develop a definition for private recreational facilities and public recreational facilities.

Discussion ensued between Ms. Cochran and Chairman Laning regarding bringing the amendment back to the Planning Commission. Ms. Cochran stated that the Ordinance as amended would be presented to the Board of Supervisors for their approval.

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COMMISSION ACTION

RECOMMEND that the Board of Supervisors:

- ADOPT the proposed ordinance "as amended" to amend the Development Code;
- ADOPT the Findings as contained in the staff report;
- FILE a Notice of Exemption.

MOTION: BROWN SECOND: DOWLING

AYES: Brown, Dowling, Laning, Cramer

NOES: None

ABSENT: Kwappenberg

ABSTAIN: None